

**Board of Contract Appeals**  
General Services Administration  
Washington, D.C. 20405

---

March 5, 2004

---

GSBCA 15965-RELO

In the Matter of CHARLES P. MOUKOURY

Charles P. Moukoury, Lanham, MD, Claimant.

Wardell J. Wanza, Chief, Payments Division, Department of State, Washington, DC,  
appearing for Department of State.

**DeGRAFF**, Board Judge.

In January 2002, the Department of State transferred Charles P. Moukoury from his permanent duty station in Europe to a new permanent duty station in the United States. The agency's transfer orders authorized Mr. Moukoury to incur reimbursable temporary quarters subsistence expenses (TQSE) for sixty days, and said the agency would reimburse his TQSE in accordance with the actual expense method.

Mr. Moukoury arrived at his new duty station in early February 2002, and checked into a hotel. While Mr. Moukoury stayed in the hotel, his wife and children stayed in a house across the street from a house Mr. Moukoury owned and leased to a tenant. Mr. Moukoury says he paid \$7000 in cash to rent the house in which his family resided, although he has no receipts and no lease to substantiate this payment. The owner of the house in which his family stayed is neither a relative nor a friend of Mr. Moukoury, and Mr. Moukoury has no financial interest in the house. The owner of the house says he charged Mr. Moukoury \$125 per day for the sixty days his family occupied the house. Mr. Moukoury says he and his family incurred laundry and dry cleaning expenses while in temporary quarters, and he has receipts for approximately \$230 of such expenses.

Pursuant to 31 U.S.C. § 3529 (2000), the agency asks whether the \$7000 rent expense would be reimbursable, even though Mr. Moukoury's family did not reside in the same temporary quarters as he did. It also asks whether Mr. Moukoury can be reimbursed for meals and incidental expenses for his family, even though they did not reside in the same temporary quarters as he did. In addition, the agency asks whether Mr. Moukoury's laundry and dry cleaning expenses are reimbursable.

Mr. Moukoury's claim is governed by the Department of State Standardized Regulations (DSSR). According to section 250 of the DSSR, upon his transfer from Europe to the United States, Mr. Moukoury was eligible to receive an allowance for TQSE. The allowance was "designed to help offset costs of meals, laundry and dry cleaning of clothes, and lodging . . .," so long as the lodging was occupied on a temporary basis and so long as the expenses incurred were necessary and reasonable. DSSR 251.1a, 251.2c. The allowance covered periods during which Mr. Moukoury or one of his family members "incurred expenses for meals, laundry/dry cleaning, and temporary lodging . . ." DSSR 252.3a. The amount to be paid to Mr. Moukoury is limited to the lesser of the maximum rate set out in the DSSR or his actual daily expenses. DSSR 251.2c. The maximum rate set out in the DSSR is comprised of an amount allowed for lodging per day and an amount allowed for meals and incidental expenses per day. DSSR 253.3a. Evidence of the daily cost of meals, laundry and dry cleaning has to be in the form of a certified statement by Mr. Moukoury. For lodging expenses, Mr. Moukoury has to supply supporting receipts or other appropriate documentation required by the head of the agency. DSSR 252.3c. The regulations do not require an employee's wife and children to occupy the same temporary quarters as the employee in order to be considered part of the employee's family. DSSR 040m.

In response to the agency's first two questions, the agency can reimburse Mr. Moukoury for the lodging expenses and the meals and incidental expenses incurred by his wife and children, even though they did not occupy the same temporary quarters as he did, provided their occupancy of the house they rented was temporary. The regulations do not require all family members to reside in the same location in order for an employee to receive a TQSE allowance for family members. In order to be reimbursed, Mr. Moukoury needs to supply a certified statement setting out the daily cost of his family's meals<sup>1</sup> and incidental expenses, and to provide receipts or other appropriate documentation required by the head of the agency setting out his family's lodging expenses. The regulations provide the agency should reimburse him for either his actual expenses or the maximum daily rate, whichever is less.

From our review of the information provided by Mr. Moukoury and the agency, we see the agency is concerned about the arrangement between Mr. Moukoury and the owner of the house occupied by Mr. Moukoury's family. Mr. Moukoury has established the owner of the house is neither a friend nor a relative. In addition, he needs to establish the amount he paid was a reasonable rental rate, so the agency can be sure a prudent person would have paid the amount Mr. Moukoury paid to rent the house. Because Mr. Moukoury owned a house across the street and leased that house to a tenant, the amount of rent he collected from his tenant might be a good source of information regarding the reasonableness of the amount he paid to rent the house for his family, assuming his relationship with his tenant was a business relationship, and assuming the house he owned was comparable to the one in which his family resided and the terms of the two leases were similar.

In response to the agency's remaining question, according to the regulations, laundry and dry cleaning expenses incurred during a stay in temporary quarters are a part of the

---

<sup>1</sup> The DSSR includes only "restaurant meals, including tips" as a reimbursable actual subsistence expense. DSSR 252.3c.

TQSE allowance. Mr. Moukoury's expenses are reimbursable so long as he supplies a certified statement regarding the expenses he incurred and so long as they are included as part of the meals and incidental expenses portion of his TQSE allowance.

---

MARTHA H. DeGRAFF  
Board Judge